

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**CELLULAR COMMUNICATIONS
EQUIPMENT LLC,**

Plaintiff,

v.

**ONE PLUS TECHNOLOGY CO. LTD.,
ET AL**

Defendants.

§
§
§
§
§
§
§
§
§
§
§

C.A. No. 2:20-cv-00079

JURY TRIAL DEMANDED

**JOINT AGREED MOTION TO EXTEND TIME TO ANSWER OR
OTHERWISE PLEAD IN RESPONSE TO PLAINTIFF'S AMENDED
COMPLAINT AND WAIVER OF FOREIGN SERVICE REQUIREMENT**

Plaintiff Cellular Communications Equipment LLC (“CCE”) and Defendants One Plus Technology Co. Ltd., Oneplus Technology (Shenzhen) Co. Ltd. and Oneplus Mobile Communications (Guangdong) Co., Ltd (“Defendants”) respectfully move the Court to enter an order extending Defendants’ time to answer, move, or otherwise plead in response to CCE’s Amended Complaint through and including September 30, 2020.

CCE filed suit on March 17, 2020 against One Plus Technology Co. Ltd. CCE filed an Amended Complaint on May 15, 2020 adding Oneplus Technology (Shenzhen) Co. Ltd. and Oneplus Mobile Communications (Guangdong) Co., Ltd as Defendants. Summons were issued for all Defendants. Plaintiff contends that Defendants were served as of May 15, 2020, but Defendants dispute service of process.. The parties filed Unopposed Applications for Extension of Time to Answer were filed on June 4, 2020 (D.I. 15-17) which extended the time to answer until June 12, 2020, so the parties could meet and confer regarding issues of service. CCE and Defendants have

reached an agreement that Defendants, which are foreign corporations located outside the United States, waive the service of process requirements under Federal Rule of Civil Procedure 4(h) and 4(f)(1) and will not challenge service in exchange for the current extension.

Accordingly, the parties jointly move for an extension of time for all three Defendants to answer, move or otherwise plead in response to the Amended Complaint through and including September 30, 2020. This extension is not sought for the purposes of delay but so that justice may be served.

Dated: June 11, 2020

Respectfully submitted,

<p><u>/s/ Jonathan H. Rastegar</u> Jeffrey R. Bragalone (lead attorney) Texas Bar No. 02855775 Jonathan H. Rastegar Texas Bar No. 24064043</p> <p>BRAGALONE CONROY PC 2200 Ross Avenue Suite 4500W Dallas, TX 75201 Tel: (214) 785-6670 Fax: (214) 785-6680 jbragalone@bcpc-law.com jrastegar@bcpc-law.com</p> <p>ATTORNEYS FOR PLAINTIFF CELLULAR COMMUNICATIONS EQUIPMENT LLC</p>	<p><u>/s/ Jeffrey L. Johnson</u> Jeffrey L. Johnson State Bar No. 24029638 ORRICK, HERRINGTON & SUTCLIFFE LLP 609 Main St., 40th Floor Houston, TX 77002 Telephone: (713)658-6450 Facsimile: (713)658-6401 jj@orrick.com</p> <p>ATTORNEY FOR DEFENDANTS ONEPLUS TECHNOLOGY CO. LTD., ET AL</p>
---	--

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on this the 11th day of June, 2020.

/s/ Jonathan H. Rastegar
Jonathan H. Rastegar